

Individual Communitarianism

Exploring the Primacy of the Individual In Locke's and Hegel's Rights

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness” (U.S. Declaration of Independence, par. 2). Arguably one of the best-known and most repeated phrases in American history, the origin of this statement is often attributed to John Locke. Whether accrediting Locke in this way is incorrect, as some scholars have argued, or indeed correct, the resemblance of this statement to Locke's theory of rights cannot plausibly be denied. In his *Second Treatise On Government* (1689) Locke presents the similar notion of some inalienable rights to “life, health, liberty, and property,” that are held by all human beings and can be summarized as natural and property rights (Locke, par. 6). These are generally understood as a defense of individualism, or the promotion of individual independence and the precedence of individual interests over state interests, a notion that later constituted a foundational principle of the United States after its secession from British rule.

Over a century after Locke's work appeared, the German philosopher Georg Wilhelm Friedrich Hegel disputed Locke's natural and property rights, as well as many other philosophical theories, in his *Elements of the Philosophy of Right*. Most notably: instead of prioritizing the individual, Hegel's system of rights is based on a principle of the supremacy of the state, claimed to be the only place where humans can really be free. In other words, the prime concern for Hegelian rights is not the wellbeing of the individual, but of the society as a whole. However, Hegel understands freedom not as something that can be externally imposed by ascribing series of rights, but rather as a historical process of development whereby mankind must go through two

stages of incomplete freedom – personal freedom and universal freedom, in that order – before arriving at the “Idea of the will which is free in and for itself” (Hegel, par. 33).

What Hegel seeks to reconstruct through this chronological account of the evolution of freedom is the development of the main philosophical theories of rights. As Steven Smith successfully explains in *Hegel’s Critique of Liberalism*, Hegel groups these liberal theories of rights in terms of their “methodological approaches to the study of rights” (Smith, 65). Smith identifies two major approaches of this kind: the “empirical approach, by which he means the early modern theories of Hobbes and Locke” (Smith, 65) and the “formal or transcendental approach ascribed to the philosophies of Kant and Fichte” (Smith, 70).

As the first instance Hegel presents of freedom, abstract right can be understood in this way as seeking to “preserve what he found of value” in Locke’s theory, while simultaneously “reformulating it in ways that are more sensitive to the cultural and historical context of rights” (Smith, x). Since Hegel’s abstract right is thereby (allegedly) intended to point out the shortcomings of Locke’s theory of natural and property rights, a comparison of the notion of abstract right with that of natural right will reveal the major distinctions in the two theories. In this article, I will first argue that Locke’s foundation of rights is more individualistic than Hegel’s because it is based on an understanding of personhood in an individual sense, while Hegel’s is not. Next, I will demonstrate how the nature of Locke’s rights is also more conducive to individual wellbeing than that of Hegel’s, since the former entails fewer obligations that might go against what is in the individual’s self-interest. Finally, I will assert that the extent of the rights themselves is a third aspect in which Locke’s theory of rights is more geared towards the individual than Hegel’s, since the Lockean state exists for the purpose of protecting the individual’s right to property, while the Hegelian state exists in order to limit and regulate this

same right. I then conclude this essay with the clarification that Locke's stronger rooting of his theory in the primacy of the individual does not make Hegel an extreme communitarian, but instead the German philosopher's ideas should be regarded as a midway between individualism and communitarianism.

The foundations that Locke and Hegel envision for rights differ in several respects, and thereby eventually lead to two entirely dissimilar conceptions of a system of rights. As numerous as these differences may be, they can all be traced back to, and ultimately attributed to, their disagreement on one fundamental issue, namely what it means to be a person. Locke argues that what distinguishes a person from an animal or any other living thing is that a person is a subject, a being whose existence is an end in itself, while all other things in the world, whether living or inanimate, exist merely as a means to the end of mankind's survival. His justification for this definition is the deontological argument that "God gave the earth to mankind," and as a result "all the fruits [the earth] naturally produces, and all the beasts it feeds, belong to mankind" (Locke, par. 26).

Hegel disputes this characterization of personhood when he holds that "the person is essentially different from the subject" because "any living thing whatever is a subject" (Hegel, par. 35). Instead, he presents the more narrow definition of a person as "a subject which is aware of this subjectivity [...] the individuality of freedom in pure being-for-itself" (Hegel, par. 35). It is clear, then, that Locke understands personhood as a primarily individual concept, as one that is automatically assigned to each human being when (s)he is born, whereas Hegel perceives personhood as a common notion, as something that must be attained by mankind in general, and can only be achieved within a society.

Herein commences the divergence in the argumentative paths at the bases of Locke's natural notion of rights and Hegel's abstract notion of rights. If rights are principles conducive to freedom, held by all people, it follows that what makes someone a person is what entitles him or her to those rights. It is unsurprising, therefore, that Locke's and Hegel's respective theories of rights take on completely different forms, since they are grounded in two different views regarding why people are entitled to rights. This becomes clear when Locke and Hegel both hold that human beings exist as individuals in the state of nature when they are outside of society, but their dissimilar definitions of personhood lead them to dissimilar interpretations of said state.

Locke understands the state of nature simply as that which happens at beginning of the history of mankind, since the individuals at this stage are still real persons, or subjects, according to him. Hegel, on the other hand, believes that personhood cannot be attained outside of society, meaning humans do not truly exist as individuals alienated from society, and so the state of nature is not strictly real. Rather, he argues, since only social life and spirit are real, individuals separated from society merely *believe* they are in the state of nature, and are instead abstracted from reality at this stage which takes place in the beginning of the development of the human will, in the "sphere of abstract or formal right" (Hegel, par. 33). The two theories of rights are thus devised for entirely different kinds of people in entirely different contexts, and their foundations can best be understood when presented as two logical arguments that follow from these initial premises, as I will argue in the following paragraphs.

In Locke's terms, the notion of natural rights follows directly from his understanding of personhood and the state of nature. Since individuals in the state of nature are still real human beings according to Locke, then any rights ascribed to men by virtue of their human nature must also apply in the State or Nature "prior to some institutionalized jurisdiction" (Kelly, 45). These

rights, then, cannot “follow from the authoritative commands of a municipal legislature,” but instead must come from some other source (Kelly, 45). Locke identifies this source to be the so-called “Law of Nature” that “commands that we preserve ourselves and as far as possible preserve others as our equals” (Kelly, 44). From said law Locke directly derives the notion of natural rights as the inalienable individual rights to life, liberty and property.

In his chapter *Of Property*, Locke lays out the groundwork for his theory of property rights. In particular, he wants to demonstrate how and why there is an individual, natural right to property when “God gave [the world] to mankind in common” (Locke, par. 25). The reason God gave the earth to mankind in common, Locke argues, is specifically for the survival and wellbeing of all men, and the only way mankind can make use of the earth’s resources to this end is by use of a “means to appropriate” these (Locke, par. 26). This implies that there is a natural right to life and for each individual to take to himself whatever is necessary to sustain his life. Locke subsequently posits that, as subjects, “every man has a property in his own person: this no body has any right to but himself” (Locke, par. 27). If each individual is the sole possessor of his own body, it follows that “the labour of his body, and the work of his hands [...] are properly his” (Locke, par. 27). Therefore, even though God gave the earth to mankind in common, as subjects we have a right to appropriate to ourselves from the common whatever we mix our labor into. To put this point alternately, Locke has established with these foundations “a natural right to individual appropriation” (Macpherson, xvi).

Hegel arrives at the same conclusion of a right to individual private property, but through an entirely different path of reasoning, which is unsurprising since “Hegel’s objection to empirical theories of natural right turns not so much on their conclusions as on the method by which they purport to arrive at them” (Smith, 67). According to him, since individuals in the realm of

abstract right have not achieved the state of personhood, they are incomplete, and they seek reconciliation with the rest of the world. This notion of the incomplete person is reminiscent of the myth told by Aristophanes in Plato's *Symposium*, where Zeus cuts all human beings in two, and as a result each person is "half" of an original human that is forever longing for its counterpart, "desiring to be reunited" with it (Plato, 191b). Just as Aristophanes' characters are not their full selves on their own, so the Hegelian person cannot fully be himself outside of society.

Furthermore, Hegel claims that the possession of something is essentially the expansion of one's will into that thing, and in this way understanding one's relationship to it. Unlike Locke, Hegel does not believe human beings automatically possess their bodies by virtue of being subjects, but rather we *take possession* of them at a particular point in our lives. In order to reconcile our individual selves with the rest of the world, it is not enough to perceive ourselves as persons, we need to express our personality by expanding our will into this world. The way we do this, Hegel argues, is through individual private property, because by possessing things we express our own particularity, or mark our distinctiveness, as a person and facilitate our own self-understanding. In short, insofar as Hegel's abstract right is concerned, individual private property is "one of those rights that give me the status of a person" (Rose, 68).

In summary, the different interpretations of personhood that Locke and Hegel hold lead them to differ greatly on their justifications for a system of rights. Insofar as the foundations for rights are concerned, then, Locke does indeed prioritize more than Hegel the primacy of the individual in his vision of rights, since Locke introduces inalienable rights that individuals have *prior to* the creation of formal state structures, and Hegel thinks individuals outside of the structure of society are not entitled to rights because they are not persons. It is thereby evident that, to a

significant extent, Locke's foundation for his theory of rights is more rooted in the primacy of the individual than that of Hegel. Far from being merely theoretical, these foundations directly shape the nature and extent of the rights themselves in each theory, and are in this sense particularly significant.

With regards to the nature of the rights themselves in the Lockean and Hegelian theories, there are two major distinctions. The first of these is highlighted by Hegel himself and concerns the right to private property, the central right that both theories ascribe to individuals. For Locke, the natural right to individual property exists because "God gave [the world] to mankind" to preserve the life and freedom of men (Locke, par. 26). From this, it follows that the right to individual property exists for the purpose of preserving man's life and freedom, or "as a means" (Hegel, par. 45). For Hegel, meanwhile, the right to private property is not just a means to the end of expressing one's personality but, "as the first existence of freedom, [it] is an essential end for itself" (Hegel, par. 45).

The second distinction in the nature of Lockean and Hegelian rights concerns the types of rights included in natural rights and abstract rights. For Locke, natural rights are based on the Law of Nature, whereby "no one ought to harm another in his life, health, liberty, or possessions" and "just as [each individual] is bound to preserve himself, [...] so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind" by not taking away or impairing "the life, the liberty, health, limb, or goods of another" (Locke, par. 6). Therefore, natural rights involve not just negative prohibitions of the violation of rights, but also positive rights, or positive obligations that an individual has to others. Locke's vision of rights assigns both rights to individual preservation of one's "life,

health, liberty, and property” and moral duties to preserve the “life, health, liberty and property” of other people (Locke, par. 6).

This stands in contrast to the Hegelian notion of abstract right, which entails “only [negative] prohibitions” of right and “the positive form of commandments of right [in abstract right] is, in its ultimate content, based on prohibition” (Hegel, par. 38). For example, while the “commandment of right” is “be a person and respect other as persons” (Hegel, par. 36), its abstractness limits the right to the negative necessity “not to violate personality and what ensues from personality” (Hegel, par. 38). The reason behind this limitation is that in the realm of abstract right, since individuals are abstracted from social life, they do not perceive others as unique beings, but solely as “universal rights-bearers” who are entitled to the same rights as themselves (Rose, 60). Having obligations towards someone, Hegel argues, requires treating them “in some sense as a particular person and not a formal universal rights-bearer,” and the realm of abstract right does not have the social context necessary for individuals to perceive others as unique persons (Rose, 60). In this sense, Hegel’s notion of abstract right distinguishes rights “not to violate personality” (Hegel, par. 36) from positive moral duties that we have towards others, assigning the latter to the “higher ground” of “morality” (Hegel, par. 106).

This distinction in the kind of rights included in natural rights and abstract right is particularly consequential in the political philosophies of Locke and Hegel. It is because Locke asserts that the Law of Nature and natural rights include moral duties that his theory of society being rooted in contract and based on exchange is plausible. The role of the state can be limited to the protection of individual rights to property and society can stem from contracts or exchange only because the moral obligations are imposed by the Law of Nature, and if one disobeys the Law of Nature one thereby renounces his status as a human being. By the same line of reasoning, since

Hegel does not include moral obligations in abstract right, he does not believe society can be based on the contracts of abstract right, since “punishment is necessary for a system of abstract right to be effective” and “punishment requires the idea of intentional action and individual moral law” (Rose, 74). In other words, abstract right and contract is incomplete without an explanation of morality by some external authority figure that is recognized by individuals as an authority, namely the state. This is what Hegel calls “ethical life” and what he claims society is really rooted in (Hegel, par. 143).

Upon first examination of the nature of natural rights and that of abstract rights, it would appear that natural rights are less conducive to the individual’s wellbeing because they are a mere means and they assign a moral duty to individuals that might cause them to act against what is in their own self-interest. Notwithstanding, this conclusion is turned on its head and refuted if we take into consideration Hegel’s system of rights at large. While Hegel’s right to private property may indeed be an end in itself and Locke’s merely a means, this does not necessarily make Hegel’s right to individual, private property more important or significant, since the end of property according to Hegel is to assure the individual moment of existence only *within* and *limited by* the state, whereas the end for Locke is to secure and retain the freedom for all citizens on an individual basis. Further, when we consider the entire *Philosophy of Right* in this way, it becomes clear that Hegel’s individuals not only have a moral obligation to others in the realm of morality, but also ethical obligations to the state in the final stage of freedom, or “ethical life” (Hegel, par. 143). Locke’s law of nature, on the other hand, only commits individuals to helping others insofar as “his own preservation comes not in competition,” once again demonstrating the importance of the individual in this theory. All things considered, therefore, Hegel imposes more obligations than Locke that might entail a suppression of the individual’s self-interest for the benefit of the community, at least in terms of the types of rights they each devise. The different

extents of the rights themselves must now be compared as well, so as to determine the true significance of Locke's theory being more rooted in individualism than Hegel's.

The extent of the rights themselves in Locke's natural rights and Hegel's abstract right can best be assessed in terms of the right to private property, as it is one both theories include. For Locke, individuals have a right to appropriate from the common anything in which they have "mixed [their] labour" (Locke, par. 25). For Hegel, the mixing of one's labor into a common property is not necessary to rightfully appropriate something: a person can take possession of anything that does not belong to someone else. Furthermore, he holds that there are three methods for the appropriation of something: physical seizure, alteration or creation, and "designating its ownership" by marking it with a sign (Hegel, par. 54). Although Hegel classifies physical seizure and alteration as less complete forms of appropriation, he claims "designation is the most complete mode of all, for the effect of the sign is more or less implicit in the other ways of taking possession, too" (Hegel, par. 58). It is thus easier for individuals to take possession of things in Hegel's vision of rights, since they only have to mark it with a sign, than in Locke's conception of rights, whereby they must mix their labor into it.

The extent of the Lockean individual right to private property is limited further by the restrictions he imposes on the right to appropriation. The first of these is that one can only appropriate something insofar as "there is enough, and as good, left in common for others" (Locke, par. 25). To be sure, this condition does not require that there is enough and as good left of the specific appropriated thing, but rather of earthly resources in general for others to secure their own preservation and wellbeing. The second restriction Locke introduces is that one can appropriate only as much as "might serve to his use," because "nothing was made by God for

man to spoil or destroy” (Locke, par. 30). Hegel introduces no such restrictions, asserting instead that you can own something without using it.

Nonetheless, there is little consensus among scholars as to what the constraints actually entail for Locke’s theory of rights, especially the first one. Macpherson, for instance, argues in his introduction to Locke’s *Second Treatise on Government* that the introduction of money renders the usage condition “inoperative,” because any amount of perishable possessions that might “spoil” can just be exchanged for money (Macpherson, xvii). Macpherson also posits that the enough and as good condition is always satisfied in the private appropriation of land, because “appropriated land is ten times more productive [than] land left in common, so even when the land is all appropriated there is more produce for society” (Macpherson, xvii). “The original requirement,” he continues, “had been that private appropriation should leave enough to meet everyone’s equal right to subsistence, and that requirement was still satisfied after all the land had been taken up” (Macpherson, xvii).

In his article “Enough and as Good Left for Others,” Jeremy Waldron explicitly opposes Macpherson’s interpretation of Locke’s constraints, and he argues that the “enough and as good” restriction (whereby one can appropriate only insofar as there is enough and of equal quality left for others) is “not intended by Locke as a restriction on acquisition” (Waldron, 324). The only genuine restriction on property rights derived from the Law of Nature, Waldron posits, is the second constraint to appropriate only as much as one can use before it spoils. Waldron also highlights how, when the state of nature turns into political society, the legislature is “entitled to see that the abundance of possessions of some men is neither based on nor results in the abject deprivation and impoverishment of others,” and this is “a far stronger constraint on private property than the ‘enough as good’ clause” (Waldron, 327).

Still another interpretation of these constraints is that of Sreenivasan in *The Limits of Lockean Rights In Property*. Somewhat similar to Waldron in this sense, Sreenivasan asserts that not only are the conditions of “spoilage and sufficiency” placed on “the legitimacy of a man’s property,” (Sreenivasan, 101), but also two additional ones of “charity and inheritance” (Sreenivasan, 102). The first of these refers to how the “right of charity [towards] the disabled, poor and needy” (Sreenivasan, 103) applies against the excessiveness or surplus of a person’s goods, implying that “as long as a man is in possession of surplus goods, he has no right to refuse subsistence to the disabled needy” (Sreenivasan, 104). In this way, “Locke’s property is limited by its liability to sustain the demands of charity” The second condition of inheritance that Sreenivasan introduces refers to how, since “children are entitled to be maintained by their parents,” when their parents die they “inherit all of his possessions” (Sreenivasan, 105), thus signifying that family holdings are conserved “in perpetuity” (Sreenivasan, 106).

Regardless of which of these individual understandings, if any, of Locke’s restrictions on private property we accept as true, Macpherson, Waldron and Sreenivasan appear to both impose (or imply) more limitations on property rights than Hegel imposes. In order to avoid jumping to erroneous conclusions, however, we must also consider the role that Locke and Hegel respectively assign to the state in relation to property rights. For Locke, civil society with its government is introduced and exists primarily “to protect the natural right to property of men,” in other words to protect the freedom of the individual, and cannot act contrary to the interests of the individual citizens (Macpherson, xvii). For Hegel, however, the state limits property rights of individuals, for example by specifying the rules of what things can be appropriated, and the individual has an obligation to obey the state regardless of his individual desires. In terms of

extent too, then, Locke emphasizes the individual more than Hegel in their respective theories of rights.

To conclude, Locke and Hegel have fundamentally different theories of rights in terms of their foundations, nature and extent. The foundations they envision are dissimilar because Locke understands humans as individual subjects that are thereby entitled to certain rights regardless of their contextual circumstances, while Hegel does not believe individuals have rights until they achieve personhood within personhood in society. Naturally, this results in different paths of reasoning in the foundations of the two theories, since Locke and Hegel want to arrive at two different series of rights that are not even of the same kind.

While the nature and extent of abstract right might seem to be more individualistic than Locke's when taken strictly on their own, the very purpose of Hegel's inclusion of abstract right in his theory of right is to highlight its insufficiency as a complete account of rights or freedom until it is combined with the notion of morality. Therefore, the realms of morality and ethical life must also be included in the comparison of Hegel and Locke's rights, or at the very least should be kept in mind. When we include the entire Hegelian system of right in this way, it becomes apparent that the nature and extent of Locke's natural rights are also more oriented towards the primacy of the individual than these same elements of Hegel's abstract right.

To be sure, the conclusion that Locke's rights are more grounded in individualism does not imply that Hegel's rights are communitarian in the Aristotelian sense, or that Hegel himself pertains to this school of thought. Instead, Hegel can be seen as a sort of middle ground between these two positions: he returns to Aristotle's notion of a realm of the community, but also holds that we perceive ourselves as individuals with certain rights. Thus, it is not exclusively

individual or universal freedom that real freedom consists of in Hegel's account, but instead the combination and harmony of these two in the realm of ethical life ruled by the state.

From this perspective, it is unsurprising that the foundations of American society and cultural values are primarily based on a Lockean notion of individual rights and freedom, since these were introduced in order to justify the independence of the U.S. from British rule. The American desire for independence was in large part due to their disagreement with the tax policies imposed by the British crown on the subjects in the North American colonies, who had no representation in the British Parliament. Thus, it is only to be expected that James Madison and the other founders of the United States chose to ascribe rights primarily to individuals, in the hopes that they might be more suited to safeguard their own freedom and with the aim of avoiding a similar subjection of U.S. citizens to an overly powerful state in the future.

Bibliography

Hegel, Georg Wilhelm Friedrich. Elements of the Philosophy of Right. Ed. Allen W. Wood.

Trans. H.B. Nisbet. Cambridge: Cambridge University Press, 1991.

Kelly, Paul. Locke's Second Treatise Of Government - A Reader's Guide. London: Continuum

International Publishing Group, 2007.

Locke, John. Second Treatise On Government. Ed. C.B. Macpherson. Indianapolis: Hackett

Publishing Company, 1980.

Plato. The Symposium. Ed. M.C. Howatson and Frisbee C. C. Sheffield. New York: Cambridge

University Press, 2008.

Rose, David. Hegel's Philosophy of Right - A Reader's Guide. London: Continuum

International Publishing Group, 2007.

Smith, Steven B. Hegel's Critique of Liberalism. Chicago: Chicago University Press, 1989.

Sreenivasam, Gopal. The Limits of Lockean Rights In Property. Oxford: Oxford University

Press, 1995.

Waldron, Jeremy. "Enough and as Good Left for Others." The Philosophical Quarterly 29.117

(1979): 319-328.